

Notice of Allowability	Application No.	Applicant(s)	
	10/055,794	FARMER, ANDREW ALAN	
	Examiner	Art Unit	
	Maria B. Marvich, PhD	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment 2/17/05.
2. ☒ The allowed claim(s) is/are 2-11 and 22-30 (now claim 1-19).
3. ☒ The drawings filed on 08 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

This office action is in response to a response to an amendment filed 2/17/05. Claims 1, 12-20 and 31-37 have been cancelled. Claims 2-6, 8, 21, 23-26 and 29 have been amended. Claims 2-11 and 21-30 are pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bret Field on 4/29/05.

The application has been amended as follows:

IN THE SPECIFICATION:

Page 54, line 37 has been amended to read

--(SEQ ID NOS: 13, 14 and 15)--

IN THE CLAIMS:

In claim 2, line 1, the word "system" prior to the phrase " for use in preparing" has been deleted and the word --composition-- has been inserted.

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In claim 2, line 2, the word “system” prior to the phrase “ comprising: a donor” has been deleted and the word --composition-- has been inserted.

In claim 2, line 9, the phrase “sequence-specific” prior to the phrase “sites are able” has been deleted and the word --target-- has been inserted.

In claim 3, line 1, the phrase “system according to Claim 2” prior to the phrase “wherein said donor” has been deleted and the phrase --composition according to claim 2-- has been inserted.

In claim 4, line 1, the phrase “system according to Claim 3” prior to the phrase “wherein said two” has been deleted and the phrase --composition according to claim 3-- has been inserted.

In claim 5, line 1, the phrase “system according to Claim 2” prior to the phrase “wherein said donor vector” has been deleted and the phrase --composition according to claim 2-- has been inserted.

In claim 6, line 1, the phrase “system according to Claim 5” prior to the phrase “wherein said two” has been deleted and the phrase --composition according to claim 5-- has been inserted.

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In claim 7, line 1, the phrase "system according to Claim 2 wherein said system" prior to "further comprises" has been deleted and the phrase --composition according to claim 2 wherein said composition-- has been inserted.

In claim 8, line 1, the phrase "system according to Claim 2" prior to the phrase "wherein said sequence-specific" has been deleted and the phrase --composition according to claim 2-- has been inserted.

In claim 9, line 1, the phrase "system according to Claim 2" prior to the phrase "wherein said donor vector" has been deleted and the phrase --composition according to claim 2-- has been inserted.

In claim 10, line 1, the phrase "system according to Claim 2 wherein said system" prior to "further comprises" has been deleted and the phrase --composition according to claim 2 wherein said composition-- has been inserted.

Claim 11 has been amended as follows: --The ~~system~~ composition according to ~~Claim~~ claim 2, wherein said at least one splice site in each of said donor and acceptor vectors comprises a splice donor and a splice acceptor sequence. --

Claim 21 (canceled).

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Claim 22 has been amended as follows:

-- ~~The kit according to Claim 21,~~ A kit for use in producing an expression vector wherein said kit comprises ~~both donor and acceptor vectors~~

(a) a donor vector comprising a splice site; and

(b) an acceptor vector comprising a splice site;

wherein each of said donor and acceptor vectors further comprises at least one sequence-specific recombinase target site and wherein one of said donor and acceptor vectors comprises two sequence-specific recombinase target sites and the other of said donor and acceptor vectors comprises a single sequence-specific recombinase target site, wherein all of said sequence specific recombinase target sites are able to recombine with each other. --

In claim 23, line 1, the phrase "Claim 21" prior to "wherein said kit" has been deleted and --claim 22-- has been inserted.

In claim 24, line 3, the word "sequence" prior to "comprising donor vector" has been deleted and -- site-- has been inserted.

In claim 24, line 3, the word "sequence" prior to "comprising acceptor vector" has been deleted and -- site-- has been inserted.

In claim 25, line 1, the phrase "Claim 24" prior to "wherein said donor" has been deleted and --claim 24-- has been inserted.

In claim 26, line 1, the phrase "Claim 24" prior to "wherein said sequence" has been deleted and --claim 24-- has been inserted.

In claim 27, line 1, the phrase "Claim 24" prior to "wherein said sequence" has been deleted and --claim 24-- has been inserted.

In claim 28, line 1, the phrase "Claim 24" prior to "wherein said sequence" has been deleted and --claim 24-- has been inserted.

In claim 29, line 1, the phrase "Claim 24" prior to "wherein said sequence" has been deleted and --claim 24-- has been inserted.

In claim 30, line 1, the phrase "Claim 29" prior to "wherein said sequence" has been deleted and --claim 29-- has been inserted.

Conclusion

Claims 2-11 and 22-30 allowed (now claims 1-19)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

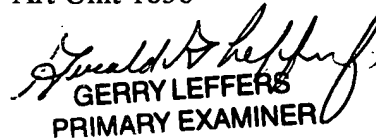
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, PhD can be reached on (571)-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 29, 2005

Maria B Marvich, PhD
Examiner
Art Unit 1636


GERRY LEFFERS
PRIMARY EXAMINER